

REMARKS

Claims 1-7, 9, and 10 are pending in the present application.

In the Notice of Non-Compliant Amendment, the Office states that the amendment filed on July 20, 2005, does not comply with the requirements of 37 C.F.R. §1.121 because Claims 7 and 9 are duplicates. In reviewing these claims it was discovered that Claim 9 was improperly amended to recite SEQ ID NOs: 7 and 8. Claim 9 should properly recite SEQ ID NOs: 9 and 10. Accordingly, the amendments herein above correct this error.

For the reasons set forth in the response filed on July 20, 2005, Applicants submit that the rejections: (a) under 35 U.S.C. §102(b) over Kobayashi et al; (b) under 35 U.S.C. §112, first paragraph (written description); and (c) under 35 U.S.C. §112, second paragraph, should be withdrawn. In addition, for the reasons set forth in the response filed on July 20, 2005, Applicants submit that the objection under 37 C.F.R. §1.75(c) should be withdrawn.

Finally, Applicants note that in paragraph 12 of the Office Action Summary page accompanying the Office Action mailed January 24, 2005, the Examiner has indicated that only “some” of the certified copies of the priority documents have been received. Applicants note that this is incorrect as the certified copy of JP 2001-034113 was filed on February 7, 2002. The filing of the same can be readily confirmed by inspection of the Patent Office’s PAIR system. Applicant note that the Examiner’s indication on page 2 of the Office Action mailed January 24, 2005, that the translation of the foreign priority application has not been filed is of no relevance to Applicants *claim* to priority. The Examiner appears to be simply confusing Applicants claim to priority (only requires submission of a certified copy of the

foreign priority application) and perfecting priority (which requires filing of a certified English translation of the foreign priority application). Therefore, it is requested that the Office acknowledge Applicants claim by checking the appropriate box in paragraph 12 of the Office Action Summary page.

Applicants submit that the present application is now in condition for allowance.

Early notification of such action is earnestly solicited.

Respectfully submitted,

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